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SUBJECT: BALKAN POLITICAL DIRECTORS DISCUSS KOSOVO AND
BOSNIA IN BRUSSELS

Classified By: USEU DCM Christopher Murray for reasons 1.4 (b) and (d).

¶1. (C) Summary: Meeting in Brussels on January 11, Quint Balkans political directors - representing the U.S., Germany, France, Italy, the UK and EU Council Secretariat - met to discuss the situation in Kosovo and Bosnia. On Kosovo, the EU Council Secretariat noted Serb hardening and suggested that the main tool to counter it was the EU perspective for both Belgrade and Pristina. There was agreement that Quint members need to strongly discourage Belgrade from any attempt to return to the UN General Assembly to press for status talks. France agreed to circulate draft talking points linking post-ICJ misbehavior to Serbia's EU perspective. Concerning parallel structures in the north, the Council Secretariat reported that Belgrade has appointed 35 judges and 10 prosecutors to oversee Kosovo - both in the north and Serb enclaves in the south. The Council Secretariat believes that a customs protocol is unnecessary and circulated a draft proposal for the restoration of full customs controls (e-mailed to EUR/SCE and EUR/ERA separately). On electricity, the USG was isolated in calling for action to re-connect KEK line to Valac power station. Others favored commercial negotiations, but it is not clear they understand what this means or what Pristina has offered in the past. On Bosnia, all agreed prospects for agreement are dim but that they need to remain engaged as part of an election management strategy, and recognized the need to try to focus the Bosnians on issues instead of nationalism prior to elections. The Quint acknowledged U.S. concerns about Bosnian Serb leader Dodik's lack of compliance with High Representative decisions, but offered no ideas for fixing the problem beyond French and Council Secretariat assertions that when the EU has taken a firm line such as in the case of visa liberalization, Dodik has backed down. End Summary.

Kosovo

¶2. (C) Quint Balkans political directors met in Brussels January 11 to discuss the situation in Kosovo and Bosnia. Hosted by outgoing Council Secretariat Director Zoltan Martinusz and acting director Jonas Jonsson, the meeting was also attended by EUR DAS Stuart Jones, Daniel Fearn (U.K), Antje Leendertse (Germany), Roland Galharague (France), and Luca Franchetti (Italy). Before providing the Council Secretariat's assessment of the situation in Kosovo, Martinusz announced his transfer to the cabinet of EU Council President Herman Van Rompuy where Martinusz will serve as foreign policy advisor.

13. (C) The Council Secretariat opened by providing an overview of the past year and challenges for the year ahead. Looking back, Martinusz noted progress on decentralization, Rule of Law (ROL), practical issues such as reintegration of Serb police officers in the south, and successful management of visits. Looking forward, Martinusz reported seeing parallel structures in the north, ROL, good governance/fight against corruption, and the ICJ ruling as challenges. He noted a hardening of the Serbian position on Kosovo and suggested that the main tool to counter this was the EU perspective for both Belgrade and Pristina. Martinusz sees framing issues around this as the key issue moving forward, noting that technical issues quickly become political ones. While saying that Brussels must lead on issues, Martinusz underlined the importance of U.S. assistance, something that must be mirrored on the ground by cooperation between the EUSR office and U.S. Embassy.

14. (C) Turning to the ICJ, DAS Jones agreed that our best leverage is the EU perspective and framework. Jones said that the USG fears that Serbia may plan, after the ICJ issues its advisory opinion, to return to the General Assembly for a vote urging status talks. Jones asked if it would be timely to send a message to Tadic that reviving the issue in the General Assembly would be seen by key EU Member States as unhelpful. Jones suggested that Jeremic's fingerprints were all over this, but that Tadic might overrule him if apprised of the cost to Serbia's EU perspective. French representative Galharague agreed that any initiative in the UNGA was for Serbia and UN precedent generally. He agreed that it would

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be useful to tell Belgrade not to go forward. France suggested a P5 demarche to Belgrade, with Jones pointing out that Russia would likely be sympathetic to Belgrade and unhelpful. The UK and Italy supported the idea of telling Belgrade this was a bad move, but favored national demarches.

15. (C) Martinusz added that while Serbia had applied for EU membership, its application has yet to be referred to the European Commission for its opinion. He said that Serbia wants its application to be referred before the ICJ ruling, Germany reported its government would not support referring the application before the ICJ ruling. France said that we are nearing a point at which Serbia's chance of moving forward on the EU is jeopardized by its attitude towards Kosovo, adding that France had not yet decided when or how to link the issues. According to France, Serbia is considering only two options for approaching negotiations with the Kosovars, the first being an outright partition of the north, the other an "Inter German" model. France said the latter would only be provisional and that we would have to make it clear to Serbia that it can not come into the EU without recognizing Kosovo. The UK suggested that it would be key to build conditionality into the EU accession process early on.

16. (C) Jones said that he was encouraged by the discussion and voiced support for the idea of a coordinated approach and clear understanding of what we want from Serbia and Kosovo in the near and longer term. In response to Jones' question as to what Pristina should be doing, France said that mutual recognition was the goal and that we should advise the GoK to enter talks with the understanding that this is the goal. Saying "we don't want a repeat of Cyprus," France asked if we wanted to make an opinion (on Serbia's EU candidacy application) contingent upon mutual recognition. France then offered to draw up and circulate points that would tell Belgrade that it would not be helpful to go to the General Assembly and, in general terms, express the harm this could do to Serbia's EU candidacy. Jones voiced his support for delivering this message early and often, with the UK adding that approaching Belgrade separately with a common script was the way to go.

17. (C) Concerning the judiciary, Jonsson reported that

Belgrade had appointed new judges and prosecutors Serbia-wide, including Kosovo. He noted that while the Council Secretariat was aware of the Serbian law requiring the appointments, it had been surprised by how swiftly Belgrade had moved, especially in light of the Serbian holidays. Jonsson reported that the European Commission and Venice Commission found fault with the underlying Serb legislation. Since it was not yet universally implemented, there was still time for a message to be sent to Belgrade. According to Jonsson, Belgrade appointed 35 judges and 10 prosecutors for the north, with the North Mitrovica courthouse serving as the primary court for Kosovo, with branches in enclaves including Strpce. He reported that EULEX wants Belgrade's appointments to be frozen and that EULEX and EUSR reps would be traveling to Brussels for a brainstorming session next week. Kosovars were very concerned about the move and Sejdiu had called in EULEX Head of Mission de Kermabon and ICR deputy Burton on January 5. Jonsson suggested that given the Commission's unhappiness, this could be noted in the progress report if Member States approached the Commission and suggested that they consider it. Concerning the UN report in January, Jones suggested that while it was too late to influence the report, objections could be raised in the Council.

18. (C) On customs, Jonsson reported that Belgrade has been signaling that it wants a customs protocol, adding that EULEX does not believe one is necessary. The UK agreed, saying that a protocol provided no gain, only an opportunity for Belgrade to seek a repeat of the police protocol. Jonsson said that money distribution remained the main hurdle to an understanding on customs. The Council Secretariat circulated its paper and requested feedback (Note: paper e-mailed to EUR/SCE separately). After receiving Quint feedback, the plan would be to discuss the proposal with the Kosovars and then with Belgrade. After asking for clarification of the language in the draft proposal, Jones said he needed to study

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it further, but stressed the U.S. could not support less than was in the plan, adding that customs revenues must go into the Kosovo consolidated budget. Jonsson added that

19. (C) Turctiontegr`lishing a political presence in the north via the standing up of an "EU House" and placeent of Italian ambassador Giffoni at that locQtion. On religious and cultural heritage, Josson shared that the Greek ambassador was fol,owing these issues on the ground and that Belrade was looking for an appointment or represQntative to follow these issues full time. JoQsson said that the Decani bishop would probabQy follow matters (something that Pristina had no objection to according to Jonsson), adding that the political leadership in Belgrade waslikely trying to show sensitivity to the mattQr given the upcoming Patriarch election on January 22. On reconfiguration of the international presence, the Jonsson said that the Council Secretariat wanted to signal a shift to the EUSR side. He reported that the Council had the buy-in of Member States that double hatting is mutually reinforcing, with the UK suggesting that the European Commission needed to be more engaged on the ground and that this was something that new Enlargement Commissioner Fuele should be brought in on. On regional cooperation, the CS said that things were at a stalemate. Belgrade continued to insist on a UN presence at every meeting, that the UN representative speak first on the behalf of Kosovo, and that the UN sign any documents. The UK, with France agreeing, suggested that this be included in the Belgrade demarche.

Bosnia

11. (C) The Quint agreed that prospects for agreement on Butmir were dim, but that we needed to remain engaged as part of an election management strategy. France, citing a new development in the Finzi case (the European Court of Human

Rights having ruled that the Bosnian Presidency election process in the Bosnian constitution is in violation of ECHR obligations), favors pursuing the Spanish idea to press the parties to narrow the package only to address ECHR issues and an EU clause giving the state the lead on EU integration matters. The UK argued that this would not gain support from the Bosniaks and further radicalize the Bosniak election dynamic. DAS Jones said that we would have no objection if the parties decided amongst themselves to pursue such an approach, but that the USG would not pressure them to do so. He also made clear that while the U.S. opposes the proposed February Madrid meeting of Bosnian leaders, we did believe senior level U.S.-EU visit to Sarajevo would be positive.

¶12. (C) All recognized the need to try to focus the Bosnians on issues versus nationalism in the run-up to the elections. France and Germany argued that the only leverage we had to do so was the nature of the international presence. The French

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proposed, with varying degrees of ambiguous support from Germany, the Council Secretariat and Italy, that the High Representative be decoupled from the EUSR, and possibly reside outside of Bosnia, arguing that removing OHR from day-to-day politics would force the Bosnians to reach agreement amongst themselves. The French argued that the Bosnian parties would all look favorably on it - the Serbs because OHR would be phasing out and the Bosniaks because the Bonn powers would remain in force. The UK expressed concern that this proposal risked dividing the international community and argued that it would exacerbate the political crisis, as the Serbs would be unhappy that OHR and the Bonn Powers remained in effect, while and Bosniaks would interpret it as IC abandonment. The UK favored keeping the status quo through the elections, DAS Jones making it clear that that the USG could not support such a proposal. He argued for keeping OHR while enhancing the EUSR with the "tool kit" Brussels had envisioned for a post-OHR "enhanced" or "reinforced" EU mission.

¶13. (C) Jones noted that High Representative Inzko's EU mandate expires in February asked whether Brussels had contemplated any changes. Martinusz noted that EU High Representative Ashton is considering extending all EUSR mandates by six months while she decides what approach to take and said that the enhanced EUSR plan was in limbo due to the entry into force of the Lisbon Treaty. He noted that Ashton was very interested in Bosnia, but that it was unclear how that interest will manifest itself.

¶14. (C) On NATO MAP, the Quint agreed that Bosnia needs to make more progress on reform before NATO could accept Bosnia's application. DAS Jones urged others to engage Turkey, which had pressed for MAP for Bosnia in December, in advance of the April Ministerial to reiterate this position. The Quint also acknowledged U.S. concerns about Bosnian Serb leader Dodik's lack of compliance with High Representative decisions, but offered no ideas for fixing the problem beyond France and the Council Secretariat noting that when EU has taken a firm line (citing TRANSCO and visa liberalization as examples), Bosnian Serbs backed down.

¶15. (U) This cable has been cleared by DAS Jones.

KENNARD

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